

bureau in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GARRETT: Paper to accompany bill for relief of Walnut Grove Church, of Gibson County, Tenn.—to the Committee on War Claims.

By Mr. GRAHAM: Petition of the National Board of Trade, for the merchant-marine shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Trades League of Philadelphia, against the Little and Gilbert bills for immunity to labor organizations in disputes—to the Committee on the Judiciary.

By Mr. GRANGER: Petition of the mayor and city council of Newport, R. I., for an increase in the United States artillery forces—to the Committee on Military Affairs.

By Mr. KINKAID: Petition of citizens of Chadron, Nebr., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LEVER: Paper to accompany bill for relief of Rose Haynes—to the Committee on Invalid Pensions.

By Mr. LILLEY: Paper to accompany bill for relief of Edwin R. Smith—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of the New York Board of Trade and Transportation, for an appropriation to improve the Coney Island channel—to the Committee on Rivers and Harbors.

Also, petition of the Intermunicipal Research Commission, for bill H. R. 17511, relative to protection of the unemployed who seek work through employment agencies—to the Committee on the District of Columbia.

Also, petition of S. P. Onderdonk et al., for relief of the Indians in northern California and legislation for relief of the Indians of southern California—to the Committee on Indian Affairs.

Also, petition of Generals Raum, Crawford, and Birney, for bill S. 2162, to create a volunteer retired list of surviving generals of volunteers—to the Committee on Military Affairs.

By Mr. LOUD: Paper to accompany bill for relief of Josephine Honor—to the Committee on Invalid Pensions.

By Mr. MANN: Petition of women of Chicago, against conditions existing in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Rebecca A. Cole—to the Committee on Pensions.

By Mr. ROBINSON of Arkansas: Paper to accompany bill for relief of Thomas Washington—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Hezekiah James—to the Committee on Invalid Pensions.

Also, petition of J. M. H. Major et al., of Saline County, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Richard B. Rankin—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: Petition of citizens of Council Bluffs, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Methodist Episcopal Church of Woodbine, for an amendment to the Constitution abolishing polygamy—to the Committee on the Judiciary.

By Mr. SULZER: Petition of L. P. Onderdonk et al., for relief of the Indians of northern and southern California—to the Committee on Indian Affairs.

By Mr. TIRRELL: Petition of H. C. Hartwell et al., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WEEMS: Petition of Pride of Maynard Council, No. 17, Daughters of Liberty, of Maynard, Ohio, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

## SENATE.

THURSDAY, April 19, 1906.

The Chaplain, Rev. EDWARD E. HALE, offered the following prayer:

*My soul thirsteth for God—for the living God. When shall I come and appear before God? O my God, my soul is cast down within me. Therefore will I remember Thee! Why art thou cast down, O my soul, and why art thou disquieted within me? Hope thou in God, for I shall yet praise Him who is the health of my countenance and my God.*

Let us pray.

Father, we have thanked Thee for the blessings of the past; we have asked Thy help in every way in the duties of the day. Now we come to Thee in sorrow and in calamity to ask Thee to give us the same strength, the same blessedness, and to show

that in all partial evil Thy universal good shall prevail. Tell us what this is, that Thou art the living God with us always. We are weak, but Thou art strong; we know nothing, but Thou knowest everything; we are in darkness, but Thou art in the light.

O Father, come to us as a father to his children. Be with those who are in the greatest sorrow and trial. Strengthen us all by Thy infinite strength, that we may know Thee and enter into Thy service and go about Thy business; that in joy or in sorrow, in gladness or in weakness, we may know that we are the living children of a living God. So, not in vain for us that Thou hast spoken to us, and though we do not see Thee with the eye, that Thou art willing to write Thy laws upon our hearts. Father, we ask it in Christ Jesus.

Our Father who art in Heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is done in Heaven. Give us this day our daily bread. Forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, Thine is the power, Thine is the glory, forever. Amen.

## THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

## RELIEF OF SUFFERERS IN CALIFORNIA.

Mr. PERKINS. Mr. President, out of the regular order of business I desire to introduce a joint resolution, and I ask unanimous consent for its immediate consideration.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate.

The joint resolution (S. R. 48) authorizing the Secretary of War to use rations and quartermaster's supplies for the relief of destitute persons in the region devastated by earthquake and fire in the State of California, and making an appropriation to relieve the sufferers by said disaster, was read the first time by its title and the second time at length, as follows:

Whereas the most terrible disaster which has ever taken place on this continent has occurred in the State of California, in which one-half of the city of San Francisco has been practically destroyed by earthquake and fire, and many towns and cities along the coast have suffered from similar devastation; and

Whereas in all of the afflicted localities there has been wrought such ruin as has resulted in great loss of life and the serious injury of thousands of people; and

Whereas the destruction of dwelling houses has rendered homeless 100,000 of the inhabitants of San Francisco alone; and

Whereas there is most urgent need of means to bury the dead, care for the injured, and shelter and feed the homeless; and

Whereas the local administrations will for some time be unable to cope with the situation and extend such aid and assistance as is immediately necessary: Therefore, be it

*Resolved, etc.* That the sum of \$500,000, or such part thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by and under the direction of the Secretary of War in the purchase and distribution of quartermaster's and commissary stores to such injured and destitute persons as may require assistance in the district devastated by earthquake and fire. And the Secretary of War is authorized to use the steamers and other boats and vessels belonging to or now employed by the Government upon San Francisco Bay or adjacent waters in the transportation and distribution of supplies furnished by the United States or individuals to and among such destitute and suffering people, and he may employ such other means of transportation as he may deem necessary to carry the purpose of this joint resolution into effect.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution just read?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. PERKINS. I ask that the joint resolution be immediately transmitted to the House.

The VICE-PRESIDENT. The joint resolution will be immediately transmitted, as requested by the Senator from California.

Mr. HALE. Has there come from the House a small deficiency bill providing for the sending home of the bodies of the officers and seamen who were killed on board the *Kearsarge*?

The VICE-PRESIDENT. The Chair understands that no such bill has come to the Senate.

Mr. HALE. Whenever it does come I desire to have it put on its passage without a reference.

The VICE-PRESIDENT. The request of the Senator from Maine will be noted.

## FISHING IN ALASKAN WATERS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 267) to

prohibit aliens from fishing in the waters of Alaska, which was to strike out all after the enacting clause and to insert:

That it shall be unlawful for any person not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, and is a bona fide resident therein, or for any company, corporation, or association not organized or authorized to transact business under the laws of the United States or under the laws of any State, Territory, or district thereof, or for any person not a native of Alaska, to catch or kill, or attempt to catch or kill, except with rod, spear, or gaff, any fish of any kind or species whatsoever in any of the waters of Alaska under the jurisdiction of the United States: *Provided, however,* That nothing contained in this act shall prevent those lawfully taking fish in the said waters from selling the same, fresh or cured, in Alaska or in Alaskan waters, to any alien person, company, or vessel then being lawfully in said waters: *And provided further,* That nothing contained in this act shall prevent any person, firm, corporation, or association lawfully entitled to fish in the waters of Alaska from employing as laborers any aliens who can now be lawfully employed under the existing laws of the United States, either at stated wages or by piecework, or both, in connection with Alaskan fisheries, canneries, salteries, etc.

Sec. 2. That every person, company, corporation, or association found guilty of a violation of any provision of this act or of any regulation made thereunder shall, for each offense, be fined not less than \$100 nor more than \$500, which fine shall be a lien against any vessel or other property of the offending party or which was used in the commission of such unlawful act. Every vessel used or employed in violation of any provision of this act or of any regulation made thereunder shall be liable to a fine of not less than \$100 nor more than \$500, and may be seized and proceeded against by way of libel in any court having jurisdiction of the offense.

Sec. 3. That the violation of any provision of this act or of any regulation made thereunder may be prosecuted in any United States district court of Alaska, California, Oregon, or Washington.

Sec. 4. That the collector of customs of the district of Alaska is hereby authorized to search and seize every foreign vessel and arrest every person violating any provision of this act or any regulation made thereunder, and the Secretary of Commerce and Labor shall have power to authorize officers of the Navy and of the Revenue-Cutter Service and agents of the Department of Commerce and Labor to likewise make such searches, seizures and arrests. If any foreign vessel shall be found within the waters to which this act applies, having on board fresh or cured fish and apparatus or implement suitable for killing or taking fish, it shall be presumed that the vessel and apparatus were used in violation of this act until it is otherwise sufficiently proved. And every vessel, its tackle, apparatus, or implements so seized shall be given into the custody of the United States marshal of either of the districts mentioned in section 3 of this act, and shall be held by him subject to the proceedings provided for in section 2 of this act. The facts in connection with such seizure shall be at once reported to the United States district attorney for the district to which the vessel so seized shall be taken, whose duty it shall be to institute the proper proceedings.

Sec. 5. That the Secretary of Commerce and Labor shall have power to make rules and regulations not inconsistent with law to carry into effect the provisions of this act. And it shall be the duty of the Secretary of Commerce and Labor to enforce the provisions of this act and the rules and regulations made thereunder, and for that purpose he may employ, through the Secretary of the Treasury and the Secretary of the Navy, the vessels of the United States Revenue-Cutter Service and of the Navy: *Provided, however,* That nothing contained in this act shall be construed as affecting any existing treaty or convention between the United States and any foreign power.

Mr. FULTON. I move that the Senate concur in the amendment of the House.

Mr. NELSON. I wish the Senator would let it lie over for the day, so that I can examine it.

Mr. FULTON. Certainly. I have no objection to that course.

Mr. FULTON subsequently said: A few minutes ago there was laid before the Senate certain amendments of the House to Senate bill 267, and the Senator from Minnesota [Mr. NELSON] asked that it might go over. He has looked into the bill and finds no objection to the same. I ask now that my motion to concur in the amendments of the House be considered.

Mr. HOPKINS. I should like to ask the Senator from Oregon what are the amendments of the House?

Mr. ALDRICH. I think the amendment had better be printed. I do not like this manner of legislating, where some one consents to agreeing to an amendment without having it read or without any knowledge of it. I ask that it may be printed.

Mr. FULTON. The amendment has been read. But I have no objection to letting it go over.

Mr. ALDRICH. Let it be printed, so that we will know something about how to legislate on the subject.

Mr. HOPKINS. The reason why I asked the question was that the bill was originally reported from my committee.

Mr. FULTON. The amendment made by the House was designed to permit the employment of Chinese laborers in canneries. The bill is designed to exclude Japanese, although they are not named, but they have been going into Alaskan waters with their vessels and engaging in fishing there. It is designed to prevent that abuse.

Mr. HOPKINS. The Senator has no objection to the amendment going over until to-morrow morning?

Mr. FULTON. Certainly not.

The VICE-PRESIDENT. The amendment will be printed, as requested by the Senator from Rhode Island.

#### FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmit-

ting a certified copy of the findings of fact filed by the court in the cause of Michael C. Drennan v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Adelaide R. Shaw, widow of Samuel F. Shaw, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Antonio A. Lynch, Margaret Lynch, Charlotte L. Carmoody, Josephine L. Ridgeway, Jane L. Canby, children of Dominick Lynch, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Josiah D. Aiken v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Kate R. Emmerich and Parthenia E. Altemus, sisters of Charles F. Emmerich, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Samuel Cross v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mary S. Clark, widow of Frank H. Clark, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of William G. Sprostan, brother of John G. Sprostan, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mary S. Franklin, widow of Augustus S. Franklin, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Edward D. Marchant, son of Cornelius M. Marchant, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Marcus D. Hyde v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Louisa I. Laine, widow of Richard W. Laine, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Hannah M. Coon, widow (remarried) of Edward B. Brigham, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:



H. R. 14591. An act to authorize the construction of a bridge across the Cumberland River in or near the city of Clarksville, State of Tennessee;

H. R. 14592. An act to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn.; and

H. R. 17135. An act providing that the State of Montana be permitted to relinquish to the United States certain lands heretofore selected and select other lands from the public domain in lieu thereof.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 11565. An act granting a pension to Sarah A. Brinker;

H. R. 14184. An act to extend the irrigation act to the State of Texas;

H. R. 16133. An act to simplify the issue of enrollments and licenses of vessels of the United States;

H. R. 17757. An act extending to the support of Spokane, in the State of Washington, the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement; and

H. R. 18334. An act making an appropriation to supply a deficiency in the appropriation for bringing home remains of officers and men of the Navy and Marine Corps who die abroad.

The message further returned to the Senate, in compliance with its request, the bill (S. 4952) making an appropriation for the improvement of the mouth of the Columbia River.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 229. An act providing for the purchase of metal and the coinage of minor coins, and the distribution and redemption of said coins;

H. R. 11976. An act for the relief of the Compañía de los Ferrocarriles de Puerto Rico;

H. R. 13103. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1907, and for other purposes; and

H. R. 17987. An act making an appropriation for the improvement of the mouth of the Columbia River.

#### BRINGING HOME OF REMAINS OF OFFICERS AND MEN OF NAVY.

Mr. HALE. I ask that the bill making an appropriation to supply a deficiency be laid before the Senate.

The bill (H. R. 18334) making an appropriation to supply a deficiency in the appropriation for bringing home remains of officers and men of the Navy and Marine Corps who die abroad was read the first time by its title, and the second time at length, as follows:

That to supply a deficiency in the appropriation for "bringing home the remains of officers and men, Navy and Marine Corps, who die abroad," on account of the fiscal year 1906, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$4,000.

Mr. HALE. I do not think there is any need of a reference in this case. I ask that the bill be put upon its passage.

There being no objection, the bill was read and considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Council of Jewish Women of New York City, N. Y., and a petition of the State Consumers' League of New York, praying for an investigation into the industrial conditions of women and children in the United States; which were referred to the Committee on Education and Labor.

Mr. BACON presented a petition from sundry citizens of Greensboro, Ga., praying for an investigation of the charges made and filed against the Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. PENROSE presented a petition of the T Square Club of Philadelphia, Pa., praying for the enactment of legislation to prohibit the pending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was ordered to lie on the table.

He also presented memorials of the congregation of Trinity Lutheran Church and of the Ministerial Association, of Milton, in the State of Pennsylvania, remonstrating against the enactment of legislation providing for extension of time in the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Sorosis Club, of Langhorne, Pa., praying for a scientific investigation into the industrial condition of the women of the country; which was referred to the Committee on Education and Labor.

Mr. WETMORE presented a petition of the Rhode Island Historical Society, of Providence, R. I., praying that an appropriation be made for the repair of the old frigate *Constitution* and its assignment to duty as a training ship; which was referred to the Committee on Naval Affairs.

Mr. MARTIN presented a petition of Local Union 1128, United Brotherhood of Carpenters and Joiners of America, of Roanoke, Va., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented sundry papers to accompany the bill (S. 4135) for the relief of the legal representatives of S. A. Buckner; which were referred to the Committee on Claims.

#### REPORTS OF COMMITTEES.

Mr. McLAURIN, from the Committee on Public Lands, to whom was referred the bill (H. R. 10152) granting certain lands to the city of Biloxi, in Harrison County, Miss., for park and cemetery purposes, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 544) to provide for the erection of a public building in the city of Great Falls, Mont., reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4956) to provide for the purchase of a site and the erection of a building thereon at Versailles, in the State of Kentucky, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, asked to be discharged from their further consideration, and that they be referred to the Committee on the Library; which was agreed to:

A bill (S. 5739) providing for the acceptance by the United States Government of the Old Flag House, tendered by the American Flag House and Betsy Ross Association; and

A bill (S. 5694) providing for the appointment of a national advisory board on civic art.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (H. R. 15513) to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States," reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 16954) providing for the reappraisal of certain suburban lots in the town site of Port Angeles, Wash., reported it with an amendment, and submitted a report thereon.

Mr. SIMMONS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1274) authorizing a public building at Washington, N. C., reported it with amendments, and submitted a report thereon.

Mr. OVERMAN, from the Committee on Military Affairs, to whom was referred the bill (S. 2139) to remove the charge of desertion from the military record of Anton Ernst, reported it with an amendment, and submitted a report thereon.

Mr. CLAY, from the Committee on Commerce, to whom was referred the bill (H. R. 14508) permitting the building of dams across the north and south branches of Rock River, adjacent to Vandrunfs Island and Carrs Island, and across the cut-off between said islands, in Rock Island County, Ill., in aid of navigation and for the development of water power, reported it with an amendment.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 3862) to correct the military record of Lora E. Reed, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4089) to place David Robertson, sergeant, first class, Hospital Corps, on the retired list of the United States Army, reported it with an amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5639) to provide for the erection of a public building at San Juan, P. R., reported it without amendment, and submitted a report thereon.

#### REMOVAL OF DERELICTS.

Mr. FRYE. I am directed by the Committee on Commerce to report back favorably without amendment the bill (S. 5683) to provide for the removal of derelicts and other floating dan-

gers to navigation, and I submit a report thereon. The committee instructed me to ask unanimous consent for the present consideration of the bill.

I wish to say just one word in relation to it. It has the approval of the Navy Department, the Treasury Department, and the Department of Commerce and Labor. A bill similar to it was reported from the Committee on Commerce in the last Congress and passed the Senate. It was reported favorably in the House, but no action was taken there. Also, a bill of the same kind was reported from the Committee on Naval Affairs and passed the Senate, but received no action in the House.

This bill was presented only ten days ago, and I presume that I have received a hundred resolutions and requests from boards of trade, chambers of commerce, boards of underwriters, and ship associations, from Maine to New Orleans, urging the immediate passage of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Treasury to have constructed a steam vessel specially fitted for and adapted to service at sea in bad weather, for the purpose of blowing up or otherwise destroying or towing into port wrecks, derelicts, and other floating dangers to navigation, the vessel to be operated and maintained by the Revenue-Cutter Service under such regulations as the Secretary of the Treasury may prescribe.

Section 2 appropriates \$250,000, or so much thereof as may be necessary, to carry out the provisions of the act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FRYE. I ask that the report and the letter from the Secretary of the Treasury may be printed in the RECORD.

There being no objection, the report and letter were ordered to be printed in the RECORD, as follows:

The Committee on Commerce, to whom was referred the bill (S. 5863) to provide for the removal of derelicts and other floating dangers to navigation, having considered the same, report thereon with a recommendation that it pass without amendment.

The bill has the approval of the Treasury Department, as will appear by the appended letter of the Secretary, inclosing a draft of the bill, and giving the reasons for its enactment.

The necessity for such legislation was pointed out by the Washington International Marine Conference of 1889. Efforts to secure an international agreement for the marking and destruction of these menaces to navigation have failed, and, naturally, because derelicts are chiefly American wooden schooners, lumber laden. Efforts to secure the removal or destruction of derelicts have been prosecuted in a desultory fashion, largely because jurisdiction has not been lodged in either of the three Departments of the Government which might well claim it, namely, the Treasury, Commerce and Labor, and Navy Departments.

In the Fifty-eighth Congress a bill was reported from this committee, appropriating \$175,000 for the construction of a steam vessel to be used for this purpose, under the direction of the Department of Commerce and Labor, and authorizing the detail by the President, from time to time, of any public vessel for the removal or destruction of derelicts. That bill passed the Senate and was favorably reported to the House by its Committee on Interstate and Foreign Commerce, but failed to receive consideration in that body.

In the same Congress a bill was reported from the Committee on Naval Affairs, providing for the construction of a derelict destroyer at a cost not exceeding \$300,000, to be operated under the direction of the Navy Department. This bill likewise passed the Senate and was referred in the House to the same Committee on Interstate and Foreign Commerce, where it lay without action.

The above-mentioned bills had the approval of the Departments of Commerce and Labor and the Navy, respectively; and the present measure, being recommended by the Treasury Department, it will be seen that three of the Executive Departments have approved of the construction of such a vessel as the bill contemplates, but, naturally perhaps, each has heretofore sought for itself the supervision of the work. It is not understood by this committee that the Department of Commerce and Labor now urges such a claim; and the Revenue-Cutter Service seems to be peculiarly adapted to this responsibility, having had large experience in the succoring of vessels in all kinds of weather.

THE SECRETARY OF THE TREASURY,  
OFFICE OF THE SECRETARY,  
Washington, April 12, 1906.

HON. WILLIAM P. FRYE,  
Chairman Committee on Commerce,  
United States Senate.

SIR: I transmit herewith a bill to provide for the removal of derelicts and other floating dangers to navigation, with the request that you will introduce the same in the Senate of the United States, as I believe the measure is in accordance with the commercial interests of the country.

This bill provides for the construction of a steam vessel for the purpose of destroying or towing into port derelicts and other floating dangers to navigation, such vessel to be operated by the Revenue-Cutter Service, and to be specially fitted for this duty under all conditions of wind and sea.

It is a fact well recognized by those who are familiar with the navigation of vessels at sea that there is no greater danger to commerce than the presence of derelicts in the paths of navigation. These derelicts are chiefly wooden sailing vessels, laden with lumber, which have been abandoned at sea. They are practically unsinkable, and are a constant menace to all vessels passing in their vicinity. On the Atlantic coast of the United States they are carried, through the influence of the Gulf Stream, to the northward along the coast, directly in the track of the large coasting fleet, and finally are borne to the eastward in the

paths of the trans-Atlantic liners, so that by the influence of this current the derelicts are constantly in waters where they constitute an ever-present danger to shipping. A derelict is a constant menace and obstruction to commerce until it is destroyed or is finally broken to pieces by the wind and sea.

The Pilot Chart for April, 1906, shows the existence on the Atlantic coast of the United States of ten derelicts and seven buoys adrift, all of danger to vessels that may encounter them while running at high speed at night or in thick weather.

The removal of these dangers is a duty that devolves naturally upon the Government, and can only be efficiently performed by a vessel specially fitted for and adapted to such service.

The proposed vessel will be always available to proceed promptly to the destruction of any floating wreck that may be reported. The nature of her construction, which will enable her to keep the sea at all times, and the provision that will be made for efficient towing will make her also an important factor in rendering aid to shipping in distress—a work in which the Revenue-Cutter Service is already engaged and with which it is entirely familiar.

The interests of commerce emphatically call for the removal of these floating obstructions in the paths of navigation, and I believe the passage of this bill in providing a vessel for this special purpose, under the control of the Revenue-Cutter Service, which is charged particularly with rendering aid to commerce, will be an important safeguard looking to the preservation of human life and property at sea.

The sum proposed to be appropriated, \$250,000, should be sufficient for the construction and equipment of a vessel well adapted to this work.

Respectfully,

L. M. SHAW, Secretary.

#### MISSISSIPPI RIVER DAM IN MINNESOTA.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (S. 5357) permitting the building of a dam across the Mississippi River above the village of Monticello, Wright County, Minn., to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### SHIPPING IN THE PHILIPPINES.

Mr. LODGE. From the Committee on the Philippines I report back favorably without amendment the bill (H. R. 18025) to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes, and I am instructed by the committee to ask unanimous consent for the present consideration of the bill. It merely postpones the operation of the coastwise law.

The Secretary read the bill.

Mr. MALLORY. I should like to inquire if the bill permits enrolled vessels of the United States to engage in trade between our ports and Philippine ports. In other words, does it put the Philippine Islands within our domestic trade?

Mr. LODGE. No. The purpose of the act is to postpone the application of the coastwise law until April 11, 1909.

Mr. MALLORY. I understand that.

Mr. LODGE. That is all there is in the act which is new. The rest is a mere reenactment of existing law.

Mr. MALLORY. From the language of the act I am inclined to think that after 1909 domestic coastwise vessels will be enabled to go into that trade.

Mr. LODGE. Certainly, after April 11, 1909, on which date the Spanish treaty limitation expires, the trade will be confined to coastwise vessels of American registry.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. PENROSE. I do not desire to obstruct the bill, but I should like to have an opportunity to look into it. I ask the Senator from Massachusetts to permit it to go over until tomorrow. I object to its consideration at this time.

The VICE-PRESIDENT. Under objection, the bill will lie over.

#### BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 5766) providing a method whereby persons may be admitted to become citizens of the Philippine Islands, and extending the naturalization laws of the United States to citizens of the Philippine Islands on the same conditions as are applicable to aliens; which was read twice by its title, and, together with the accompanying memoranda and letters from the War Department, which were ordered to be printed, referred to the Committee on the Philippines.

Mr. PENROSE introduced a bill (S. 5767) granting an increase of pension to Thomas D. Welch; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 5768) for the relief of Mary E. Collier; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.



Mr. KNOX introduced a bill (S. 5769) to declare the true intent and meaning of parts of the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. CARTER introduced a bill (S. 5770) to authorize the Secretary of the Interior to add to the segregation of coal and asphalt lands in the Choctaw and Chickasaw nations, Indian Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 5771) granting a pension to Mary E. Thompson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 5772) granting an increase of pension to Thomas M. Harris; which was read twice by its title, and referred to the Committee on Pensions.

#### REGULATION OF RAILROAD RATES.

Mr. KNOX submitted an amendment intended to be proposed by him to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which was ordered to lie on the table, and be printed.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. CARTER submitted an amendment proposing to appropriate \$350 for the preparation of a table of contents and index to the final report of the Louisiana Purchase Exposition Commission, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Select Committee on Industrial Expositions, and ordered to be printed.

Mr. McCUMBER submitted the following amendments intended to be proposed by him to the Indian appropriation bill; which were ordered to lie on the table, and be printed:

An amendment relative to the sale for town-site purposes by any Indian allottee of any portion of the lands allotted to him;

An amendment authorizing the issuance of a fee-simple patent to Demas Eastman, a Santee Sioux allottee; and

An amendment authorizing the issuance of a patent in fee simple to the widow and heirs of Charley Adass for land in the Olympia land district, State of Washington.

Mr. CLARK of Wyoming submitted an amendment providing that section 15 of the act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," shall not take effect until the date of the dissolution of the tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes, intended to be proposed by him to the Indian appropriation bill; which was ordered to lie on the table, and be printed.

Mr. GALLINGER submitted an amendment providing that the pay and allowances for civil engineers and assistant civil engineers shall be the same as are and may be provided by or in pursuance of law for naval constructors and assistant naval constructors, and also that the Chief of the Bureau of Yards and Docks shall be selected from the members of the Corps of Civil Engineers of the Navy having not less than seven years of active service, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

#### WITHDRAWAL OF PAPERS—ALFRED M'PHERHAN.

On motion of Mr. PENROSE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of Alfred McPherran, accompanying Senate bill S. 527, Fifty-ninth Congress, first session, copies of the same to be left in the files, as provided by clause 2 of Rule XXX.

#### WITHDRAWAL OF PAPERS—FRANCES E. TAYLOR.

On motion of Mr. PENROSE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of Frances E. Taylor, accompanying Senate bill S. 4853, Fifty-ninth Congress, first session, copies of the same to be left in the files, as provided by clause 2 of Rule XXX.

#### HOUSE BILLS REFERRED.

H. R. 14184. An act to extend the irrigation act to the State of Texas was read twice by its title, and referred to the Committee on Irrigation.

H. R. 17757. An act extending to the support of Spokane, in the State of Washington, the privileges of the seventh section of

the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, was read twice by its title, and referred to the Committee on Commerce.

H. R. 11565. An act granting a pension to Sarah A. Brinker was read twice by its title, and referred to the Committee on Pensions.

#### RELIEF OF SUFFERERS IN CALIFORNIA.

The joint resolution (H. J. Res. 140) providing relief to the sufferers in California was read twice by its title.

Mr. PERKINS. Inasmuch as the Senate has passed an appropriate joint resolution making an appropriation of a definite sum, I think this joint resolution may temporarily lie upon the table until we know the action to be taken by the House upon the Senate joint resolution.

The VICE-PRESIDENT. The joint resolution will lie on the table.

#### PRACTICE OF PHARMACY AND SALE OF POISONS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8997) regulating the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments, and agree to the conference asked by the House of Representatives, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to.

The VICE-PRESIDENT appointed Mr. GALLINGER, Mr. BURKETT, and Mr. MARTIN the conferees on the part of the Senate.

#### ENROLLMENTS AND LICENSES OF VESSELS.

The bill (H. R. 16133) to simplify the issue of enrollments and licenses of vessels of the United States was read the first time by its title.

Mr. FRYE. That bill is exactly the same in effect and in words as the one which passed the Senate a considerable time ago. I ask that it may be put upon its passage.

The bill was read the second time at length, as follows:

That under the direction of the Secretary of Commerce and Labor the Commissioner of Navigation is hereby authorized and directed from time to time to consolidate into one document in the case of any vessel of the United States of 20 net register tons or over, the form of enrollment prescribed by section 4319 of the Revised Statutes and the form of license prescribed by section 4321 of the Revised Statutes, and such consolidated form shall hereafter be issued to a vessel of the United States in lieu of the separate enrollment and license, now prescribed by law, and shall be deemed sufficient compliance with the requirements of laws relating to the subject.

SEC. 2. That section 4325 of the Revised Statutes is hereby amended to read:

"SEC. 4325. The license granted to any vessel shall be presented for renewal by endorsement to the collector of customs of the district in which the vessel then may be within three days after the expiration of the time for which it was granted, or, if she be absent at that time, within three days from her first arrival within a district. In case of change of build, ownership, district, trade, or arrival under temporary papers in the district where she belongs the license shall be surrendered. If the master shall fail to deliver the license he shall be liable to a penalty of \$10, which shall not be mitigated."

SEC. 3. That this act shall not be construed to amend any law now in force concerning the compensation of officers of the customs for service connected with the enrollment and license of vessels.

SEC. 4. That this act shall take effect on and after January 1, 1907.

By unanimous consent, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FRYE. I enter a motion to reconsider the vote by which Senate bill 4886, a bill of a similar nature, was passed, and I move that the House be requested to return the bill to the Senate.

The VICE-PRESIDENT. The Senator from Maine enters a motion to reconsider the vote by which Senate bill 4886 was passed, and moves that the House be requested to return the bill to the Senate. Without objection, it will be so ordered.

#### COLUMBIA RIVER IMPROVEMENT.

The VICE-PRESIDENT laid before the Senate the bill (S. 4952) making an appropriation for the improvement of the mouth of the Columbia River, returned from the House of Representatives at the request of the Senate.

Mr. FULTON. I move to reconsider the vote by which the bill was passed and that it be indefinitely postponed.

The motion was agreed to.

#### PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Mr. MORGAN. I ask the Chair to lay before the Senate the action of the House of Representatives on Senate bill 4250, in reference to the Public Health and Marine-Hospital Service, etc.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4250) to further enlarge the powers and authority of the Public Health and Marine-Hospital Service and to impose further duties thereon.

Mr. MORGAN. The House of Representatives has stricken out all of the Senate bill except the enacting clause, and has sent us a bill which is a substitute for that. I move that the Senate disagree to the amendment of the House of Representatives and ask for a conference with the House.

Mr. HALE. Mr. President, I should like that matter to lie on the table and be printed. It is not a case where the other body has amended and changed certain features, but has substituted an entirely new bill.

Mr. MORGAN. Yes; an entirely new bill.

Mr. HALE. I do not want the matter to go to conference until it has been printed and Senators can see what the new bill is.

Mr. MORGAN. Then I ask that the bill may be printed and laid on the table.

The VICE-PRESIDENT. The bill will be printed and laid on the table, in the absence of objection.

#### REGULATION OF RAILROAD RATES.

Mr. TILLMAN. I ask that the unfinished business be laid before the Senate and proceeded with.

There being no objection, the Senate, as in Committee of the Whole resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. BAILEY. Mr. President, I rise to correct a statement which appears in the Washington Post of this morning. In its account of a conference held by Democratic Senators yesterday it says, among other things:

The principal differences in the conference were precipitated by a speech made by Senator BAILEY, that his court feature provided for a limited review. Exception was taken by his colleague, Senator CULBERSON, who declared that it was a broad review, and from this point the discussion passed to the several pending amendments to prevent restraining orders being issued to interfere with rates established by the Interstate Commerce Commission.

Mr. President, of course I understand how inexcusable it would be for any Senator to abuse the patience and consume the time of the Senate in correcting the numerous and unavoidable mistakes which are made by even the most intelligent and conscientious reporters; but this seems to be rather an exceptional case, because as this paper is printed here at the seat of government, and as it is generally so careful and accurate, editors throughout the country might well be misled into accepting this statement as true, while in fact it does not bear a resemblance to the truth.

In the conference of yesterday I carefully avoided complicating the question of prohibiting preliminary injunction with any other question, and I did that so that we might have the sense of the Senators who had assembled there upon that separate and independent question. There are differences enough among Democratic Senators without misrepresenting and exaggerating them.

While I am on my feet, I desire to say a word, and only a word, about the court provision in the amendment which I had the honor to offer to the bill. When that entire amendment was at first submitted, the principal, and in fact I might say the only attack upon it was directed against the proviso which prohibited the courts from suspending the orders of the Commission by interlocutory or preliminary injunction. When that attack was made, and was answered, at least to the satisfaction of all Democratic Senators with three or four exceptions, then its critics began to assert that its court provision was altogether too broad.

How any man could have reached that conclusion I am unable to understand; and I am confident that any man who understands the English language can be made to see that it is the narrowest one which has been proposed, or even suggested, that would stand the test of a judicial scrutiny under the Constitution. Certainly I endeavored to make it as narrow as it could be made without making it unconstitutional, and if any Senator in this body will propose an amendment or a substitute that narrows it without invalidating it, I pledge him my support in his effort to have it adopted.

It is my opinion that the Commission is better qualified than any court to judge and to decide what are just and reasonable railroad rates, and in accordance with that opinion my purpose has been to commit as much power to the Commission and as little power to the court as is consistent with the requirement of the Constitution.

I think, Mr. President, this much ought to be said in answer,

not only to this, but to many other misstatements which have been published about the proceedings of that conference.

Mr. TILLMAN. Mr. President, I want to correct another error which came into history in regard to the transaction of the conference, and I want to say further that there was no excuse for any of these errors, because half a dozen or more correspondents came into my committee room after the conference adjourned and I gave out an accurate and a more or less circumstantial statement of what had transpired.

The error to which I wish to allude and correct is that in some of the newspaper reports which I have seen it has been declared that the Senator from Maryland [Mr. RAYNER] took advantage of the temporary absence of the Senator from Texas [Mr. BAILEY] and moved to adjourn the caucus. That does the Senator from Maryland a grave injustice, because he is incapable of taking advantage of anybody. When the roll was had, which I took myself by going around and checking off the sentiment or the position of every Senator present, we had accomplished all that we had ever undertaken; and that was, to find out just how Senators stood on that proviso at the end of the amendment proposed by the Senator from Texas.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Rhode Island?

Mr. TILLMAN. With pleasure.

Mr. ALDRICH. I wish to ask the Senator from South Carolina if he has any objection to putting in the Record the official report of this conference?

Mr. TILLMAN. The Senator from South Carolina will inform the Senator from Rhode Island that at the proper time, when a vote on that amendment comes before the Senate, that will go into the Record in the official proceedings.

Mr. ALDRICH. The Senator said he had informed a limited number of newspaper correspondents of what was done.

Mr. TILLMAN. Everybody who asked for it.

Mr. ALDRICH. I think, certainly, the Senate ought to be treated with an equal amount of sincerity, and that the Senator should state to the Senate just what occurred.

Mr. BAILEY. With the permission of the Senator from South Carolina [Mr. TILLMAN], I wish to say that the Senator from Rhode Island [Mr. ALDRICH] does not appear to need that enlightenment, because within the last week he volunteered to us the information that we could only have twenty-five votes on this side of the Chamber for this amendment, and he appears to have known what he was talking about.

Mr. ALDRICH. I think very likely he did, Mr. President, and I will state to the Senator that I believe my information on that subject was accurate, and I think the result will show it. But that is a little aside from what we now have in hand; which is to get this matter of what took place at this conference before the Senate and before the country in an authentic way.

Mr. TILLMAN. Why does the Senator from Rhode Island want it before the Senate?

Mr. ALDRICH. Because I should like to know what took place, as we have two Senators here disclaiming one report.

Mr. TILLMAN. I was disclaiming a newspaper statement, not a report.

Mr. ALDRICH. If there is any official report—the Senator has already said that he gave out to a certain number of newspaper correspondents a correct statement—I think we ought to have the benefit of that information.

Mr. BAILEY. I suggest to the Senator from South Carolina that this division among the Democrats is the first crumb of comfort the Senator from Rhode Island has had since this bill came before the Senate, and he ought not to be denied the full enjoyment of it.

Mr. ALDRICH. I think that is true. I have been in the Senate for quite a number of years, and there always have been on that side and on this such differences; but I think it is quite fair, so long as this disclaimer has taken place, that we should be advised of the accuracy as to the statement made through the newspapers.

Mr. BAILEY. The only trouble with the Senator from Rhode Island and his party associates is that they dare not go into caucus because, if they did, they would have to get a fireproof curtain to prevent a disaster if they should talk in such a caucus as they do in private conversation. [Laughter.]

Mr. ALDRICH. I think the fact that we have had no conference, and that conferences are not necessary, on this side, shows that the condition is not quite so radical and not quite so spectral as is suggested to me.

Mr. TILLMAN. The Senator from Rhode Island will know in full time how the Democrats in the Senate will vote on this question. He need not fret; he can possess his soul in patience;



but I think I can assure him that he will not be very well pleased at the outcome when the vote is taken. [Laughter.]

Mr. President, the matter to which I wanted to get the attention of the Senate does not refer to the rate bill, but refers to a brief colloquy which I had the day before yesterday with the Senator from Illinois [Mr. HOPKINS] in regard to the John R. Walsh bank failure in Chicago. It will be remembered that in the resolution which I had the honor to introduce among other subjects for investigation was the failure of the Walsh bank and the action of the associated banks of Chicago in assuming the liabilities of the Walsh bank, guaranteeing full payment of all the debts and taking charge of all the properties, including, as I have found out since, three railroads. The subject seemed to me one eminently proper for the Committee on Finance to examine into and to determine whether or no the law had been broken. In the colloquy I asked the Senator from Illinois whether or not the grand jury had indicted Mr. Walsh. He said most positively, "No," but he acted with some disingenuousness, if I may say it with due respect, because he did not go on to give the Senate the full benefit of his information. I have since discovered that while the Senator was entirely correct technically in stating that Walsh had not been indicted by the grand jury, this is the condition of affairs; and that is what I had in mind when I asked the question. In other words, Mr. Walsh has been arrested upon the report of bank examiners; he is out under bond; and in the meantime he has had five separate and distinct postponements of the inquiry instituted by the district attorney in reference to Walsh's criminality; and I wish to have read here the news service of the Chicago Record-Herald, which is not a "muck raker," showing what is considered to be correct information in the city of Chicago itself in reference to this Walsh banking business. I ask that the Secretary read the paragraph through which a blue pencil has been run.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

John R. Walsh, whose arrest on March 9 on the charge of violating the Federal banking laws while he was president of the Chicago National Bank caused a sensation in the financial world, was given a fifth postponement of his preliminary hearing yesterday morning before United States Commissioner Mark A. Foote. The case was continued to May 3. District Attorney Morrison stated that the continuance had been granted so that all the evidence might be presented to the next Federal grand jury, which will convene May 15, regardless of whether, in the meantime, any hearings were held before the commissioner.

The unusual delay in the case, the remarkable courtesies extended to Mr. Walsh in the Federal building, and the ready acquiescence of the Government officials in postponements of the hearing combined to lend color to the report that the ex-banker had powerful political influences behind him at Washington.

#### "PULL" WITH SENATORS?

His "pull," according to general understanding, reached to United States Senators and some of the most prominent officials in touch with the Department of Justice. It was even rumored on the street that Mr. Walsh never would be brought to trial on the charge that he had made a false report of the condition of his banks a few days prior to the crash.

The motion for a continuance was made yesterday by Assistant District Attorney Childs. Hitherto the requests for postponement have been made by Mr. Walsh's attorneys, and have met with no opposition from the Government. This time Mr. Childs, in explanation of his motion for a continuance, stated that Mr. Walsh's lawyers had filed a detailed answer to the charges in the complaint. The answer, or statement, is said to be a denial of the charge that the funds of the bank had been juggled, and a showing in support of the claim that all the memorandum notes involved in the failure of the Walsh banks were covered by valid securities.

#### INQUIRY TO BE SECRET.

The probability of witnesses disappearing before this statement from Walsh can be thoroughly examined was a topic of discussion yesterday among lawyers, after it had been announced by Mr. Childs that it would require several weeks of work by experts to determine its accuracy. This examination, which will be made in the district attorney's office behind closed doors, may determine the whole case, and even keep it out of the grand jury room, it is claimed by some of Walsh's friends.

#### RECORD OF CONTINUANCES.

Mr. Walsh's case is now in the hands of Mr. Morrison, as a matter of fact, although it seems to be before Commissioner Foote. The record of the case since the day of the banker's arrest is as follows:

March 10.—Continuance granted to March 19 on the argument of Walsh's lawyers that they had not had time to prepare for a hearing; no objection by the attorney for the Government.

March 19.—Continuance granted on the ground that Mr. Walsh's lawyer, W. T. Abbott, was out of the city on legal business.

March 27.—Attorney Abbott was granted another continuance after pleading that he had been out of the city and had not had time to prepare a defense; case set for April 6.

April 6.—Continuance asked on the ground that the defense was not ready for the hearing, and date set for April 16 without opposition on the part of the Government.

April 16.—Continuance granted on the motion of Assistant District Attorney Childs until May 3, with the stipulation that a further continuance of ten days might be granted at that time if the examination of the books was not completed on that date.

Mr. TILLMAN. Mr. President, I have here another clipping from the Chicago Daily News of April 17, in which appears, under the head of "Other Phases of the Situation," the following:

It was also reported to-day:

That the clearing-house banks faced a deficit, as predicted by financiers quoted in the Daily News February 13.

That the trunk lines contemplating purchase of the Walsh lines had pooled their interests to keep the bid on the Walsh roads to the lowest possible figure.

That a legal obstacle preventing the Lake Shore from bidding because the Indiana Southern parallels it tended to aid the alleged pool.

That stringency in the money market also made it difficult to secure bids.

The most sensational development of the day was the statement that the directors and stockholders of the bank might prove to be the owners of the railroads instead of Walsh personally, as had been supposed. It has not heretofore been hinted that the written defense contained such an assertion, which is equivalent to charges that the bank directors committed illegal acts. A bank may not own real estate under the statutes.

Farther down I find the following:

#### STATUS OF THE WALSH ASSETS.

The assets of John R. Walsh are entirely contingent upon what the railroads will bring. At first the bankers in charge of the assets asked \$27,500,000 for the Indiana Southern, the Chicago and Southern, and the Illinois Southern. This price was reduced subsequently to \$25,000,000. The railroads have made no bids up to date. At \$25,000,000 it would be possible, it is figured, to pay off the obligations incurred with the clearing-house banks, give the stockholders in the Chicago National bank book value (\$284 a share) for their holdings, and leave Walsh personally \$1,000,000. At a valuation of \$21,000,000 the clearing-house banks would get out whole, but nothing would be left to Walsh or the stockholders.

Here is rather an interesting subject:

#### PRACTICALLY ON HIS OWN BONDS.

It was discovered to-day that John R. Walsh is practically on his own bonds in the criminal charges preferred against him. The Illinois Surety Company, which he organized with Fred M. Blount, in which he is a director and in which Senator ALBERT J. HOPKINS is vice-president, went the financier's bail to the extent of \$50,000. The company is known as the "bonding trust" in the Federal building, and is given the "inside track" on every possible occasion.

In another paper, the Chicago Examiner, I find the statement made that—

It is known by this newspaper that Senator CULLOM and JOSEPH CANON, Speaker of the House of Representatives, have made repeated calls on the President of the United States in behalf of Mr. Walsh. Mr. Walsh's newspaper all along has essayed to represent the Federal Administration. Three years ago it switched from an alleged Democratic sheet to a howling apologist for the Republicans. The cause of this change was because Walsh sought then, as he seeks now, to control Government contracts for his Bedford quarries. In that he has succeeded splendidly. Few other quarrymen now have the courage to bid against him. They know it were futile to get a building's stone away from him.

It will be remembered that ALBERT J. HOPKINS, the junior Illinois Senator, was in Chicago on the day of the failure of the Chicago National Bank. He was among the first to make a friendly call on Walsh. Then came Secretary Shaw. He, too, visited the dethroned king of Monroe street. Subsequently Comptroller Ridgely was here. Then eminent Chicago financiers went to Washington. And they saw the President, too.

Now, these continued delays in preparing the case for the grand jury and the charge, that is more or less directly made, that there is an effort being put forth by political influences to have this man go scot-free, without facing a jury and going through a trial, just as District Attorney Jerome wanted to let this man Perkins—I believe it is, in New York, go without a trial—appears to be going on in Chicago. In other words, we have reached that pass in this country that if a man steals a ham or a pair of shoes he is hustled off immediately to the police court, tried the next morning, and sent to prison. But if a man owns five millions, why, they dodge around and notify him that they will be glad to call around with a warrant at his office at such time as may be convenient to see him about whether he shall go to court or not; and if he is worth twenty-five millions, or in possession of it, they practically do nothing.

I think it is time for the Committee on Finance to investigate some of these matters in Chicago, and if these are falsehoods, prove it. The country is interested in having the big thieves punished just as much as it is in having the little thieves punished. If a lawbreaker who is in the millionaire class has to be treated with such deference and consideration as this, while, as I said, a poor fellow puts on his stripes and goes to breaking stone, we ought to have the country know why it is done.

Mr. HOPKINS. Mr. President, I desire to call to the attention of the Senate the fact that the Senator from South Carolina [Mr. TILLMAN] does not controvert any statement that I made the other day respecting the condition of the so-called "Walsh bank," or the attitude of the Chicago banks through the clearing house, or the assets of the companies, or as to the question as to whether Mr. Walsh was indicted or not. Not one of my statements is controverted. The Senator has picked up now some statements from the newspapers and attempts a new attack upon me. My first answer to him is this: That I find that both he and the leader on the Democratic side this morning have challenged the attention of the Senate and the country to the fact that these reports in the newspapers are absolutely unreliable, and that they want the Senate to understand that those statements must not be taken so far as they are concerned. Now,

that line of argument will apply equally when you come to a question that affects the interests of the city of Chicago or the great banking interests there, or the two Senators from that State.

I am unable, Mr. President, to understand the motive that can prompt the Senator from South Carolina, morning after morning here, like a modern Don Quixote, to get astride his steed and bring some question into the Senate that has no relation to the legislation before this body or before Congress for the simple purpose of exploiting himself, attracting the attention of the galleries, and getting a little attention through the newspapers of the country. I can not understand, Mr. President, why it is that a man living in the section that he does, representing the constituency that we know he represents, should so concern himself as to whether the law in the city of Chicago, in the State of Illinois, is obeyed. I intimated to him the other day that the 2,000,000 people living within the limits of that splendid city are quite capable of taking care of themselves, and when he spoke about the action of the clearing-house committee of the banks of Chicago I challenged his attention as to what provision of the law had been violated by that association of bankers. He was unable to reply. He simply had a hazy notion about something that he supposed would enable him to say something sensational upon this floor and again get applause from the galleries.

When I called his attention to the facts as to the character of the assets and that the associated banks were furnishing quick assets, he seemed to know as little about banking proceedings as he evidently did about law and legal procedure when he questioned me about the indictment of Mr. Walsh.

Now, I think it is about time, Mr. President, that the country should know something about who this modern reformer is, this man that is seeking to pillory every other locality as dishonest, and every other man before the public as a dishonest man and a violator of the law. I think it is about time that the Senate and the country should know something about him. Who is he, and where does he come from? He comes from the State of South Carolina—a State I find, Mr. President, with a white population of 557,000 and with a colored population of 782,000. It is known the country over that the Senator owes his seat in this body to the suppression of the colored vote in that State. It is known here, and it is known, I say, in every section of our common country, that the majority of the people of that State, by the manipulations of the Senator from South Carolina and the men who associate with him in that State, have been deprived of their rights, civil and political, that have been guaranteed to them under the Constitution of our common country.

Mr. President, the Senator himself, in a speech in this body on the 24th day of February, 1900, made this statement in the Senate:

I know nothing about other States, but I acknowledge openly and boldly in the sight of God that we did our level best to keep every negro in our State from voting.

Does the Senator deny that he made that statement in the open Senate?

Mr. TILLMAN. Why should I deny it, when I put it in the Record and am ready to repeat it?

Mr. HOPKINS. Will the Senator talk about people violating the law of Illinois or the national banks there not living up to it, when he admits that he has helped to deny to the majority of the people of his State one of the most sacred rights of an American citizen—the privilege of going to the polls and voting and the privilege of selecting the men who shall represent them in the State legislature, in the various county offices, and in the Senate of the United States? Does anybody believe that if the seven hundred and some odd thousand colored men in the State of South Carolina had the political rights that are guaranteed to the colored men of Illinois and to all the people of every State, that the Senator would be here upon this floor denouncing Mr. Walsh, of Chicago, or the national banks of that city for their splendid financiering the other day? Does anybody believe that?

Now, I want to call his attention to some other things, Mr. President. A year or more ago he was making some speeches over the country. The question came up about some lynchings that were had in some of the Northern States, where colored men had been deprived in a most savage manner, not only of their liberty, but of their lives, where those colored men had been placed at the stake and burned. That is a blot upon the civilization of our country. Did the Senator then reprobate such conduct as that? Did he want to see the laws of our country obeyed? Did he insist that the courts should be the ones to determine the punishment which should be inflicted upon the violators of the law? Not at all. He advocated mob law. He advocated the taking of the lives of those people.

Now, inasmuch as he has quoted from the Chicago papers relating to this matter, I will quote—

Mr. TILLMAN. Mr. President—

Mr. HOPKINS. I will quote what is put in quotations here. The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from South Carolina?

Mr. TILLMAN. I will save the Senator the trouble, if he will give me leave, to repeat it here a hundred times.

The VICE-PRESIDENT. The Senator from Illinois declines to yield.

Mr. HOPKINS. The Senator from South Carolina can have his time. I quote from one of the Chicago papers he has been reading here this morning. This is the language quoted that the Senator used in speaking of some of the lynchings:

That seems to be the only practical way until the amendment of the Constitution granting the negroes suffrage has been repealed. We have shot 'em and hanged 'em and burned 'em in South Carolina—

He bows his head to that. My God, Mr. President, think of a man in the Senate of the United States who can bow approval to the fact that a human being is placed at a stake and burned alive in the twentieth century of our civilization! Think of a man, Mr. President, think of a Senator who for a moment can give his approval to such barbarous and atrocious conduct as that, and, as is suggested to me, then talk about the law being enforced if there should be an infraction of the smallest kind against the national-bank law of the United States.

How is a little money of a national bank, Mr. President, to be compared with the life of an American citizen? How is the violation of the law by one national bank to be compared with a condition in any section of our common country where men, without any opportunity to show their innocence, are taken by a mob and placed upon a pile of fire and burned? That is one of the things to which the Senator here to-day gives his approval.

We have shot 'em and hanged 'em and burned 'em in South Carolina until they almost know their proper place now, although the desire to vote, whether or not they know what they are voting for or against, frequently causes trouble.

Mr. President, I have said this much because I have grown tired of the Senator from South Carolina getting up morning after morning and insisting that people in this section of the country are violating the law, or that this class of American citizens are violating the law, and that he is the man above all men to whom it has been given to see that the law in all sections of our common country is obeyed. When all the people of South Carolina shall enjoy the rights and privileges granted to them under our Constitution, when we may say upon this floor that the courts are open to protect the rights of all, great and small, rich and poor, in South Carolina, as they are in Illinois, then I will listen with some patience to a criticism of me and my people and with the manner in which the law is administered in Chicago. But until that time, Mr. President, I protest against such a Senator as that claiming that the law is not properly and fully administered in the city in which I live.

Mr. TILLMAN. Mr. President, I have never been in court except as a spectator, but I have noticed that it is a common practice among old lawyers, when they have a very poor case, to raise Cain with the attorney on the other side. They indulge in all manner of abuse and inject other questions into the controversy.

I should like to ask the Senator, as he would not let me interrupt him a moment ago, if the statement that I just read from the Chicago paper is false? Is he the vice-president of the surety company which is on John R. Walsh's bond?

Mr. HOPKINS. Mr. President, what has that to do with the subject?

Mr. TILLMAN. Answer "yes" or "no," please.

Mr. HOPKINS. I might just as well ask as to whether the Senator sleeps with a nightcap. It would be just as pertinent.

Mr. TILLMAN. The Senator is dodging now. He is dodging and quibbling.

Mr. HOPKINS. I decline to answer a question that has no bearing upon this subject.

Mr. TILLMAN. Of course, I take that as a confession that the Senator is the vice-president of that surety company; and that is proof positive of the other allegations here that he is exerting his official power to endeavor to suppress the indictment and call off the myrmidons of the law in prosecuting Walsh for breaking the law.

Mr. CULLOM. Will the Senator allow me to interrupt him?

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Illinois?

Mr. TILLMAN. Always. I have great respect for the Senator.



Mr. CULLOM. I think I heard read from one of those papers a statement that the Speaker of the House of Representatives, who happens to be an Illinoisan, and myself were frequently at the White House in behalf of Mr. Walsh since he has been arrested. I want to say to the Senator and to the country that I have not been to the President in behalf of Mr. Walsh at any time, I have never said a word to him on the subject, and have never seen Mr. Walsh since this happened.

Mr. TILLMAN. I expected as much, and was sorry that the Senator's name was in the paper; but I did not want to misquote it, and therefore I had to read it along with the statement in regard to the junior Senator from Illinois. Will he be equally frank now, and tell us whether he has been around anywhere trying to get this indictment stopped? [Laughter in the galleries.]

Mr. GALLINGER. I rise to a question of order, Mr. President.

The VICE-PRESIDENT. The Chair will inform the occupants of the galleries that under the rules of the Senate they must avoid all manifestations of approval or disapproval.

Mr. HOPKINS. I can be as explicit as my colleague [Mr. CULLOM]. I have seen nobody to use any influence in Mr. Walsh's behalf, and I have not seen Mr. Walsh since the day of the failure, or so-called failure, till this day. I have had no communication with him directly or indirectly, and have had nothing to do with it whatever. This statement simply emphasizes the absolutely unreliable character of the stuff that the Senator is morning after morning sending out to the people of the country by having it read at the Secretary's desk or reading it himself.

There is one other thing, while I am upon my feet, that I want to call to the attention of the Senate to show the character and fairness of this so-called "reformer," who is undertaking to take me to task for something that he alleges that I may have done. He has suggested that I am trying to evade the issue. I am doing nothing of the kind. I called attention to the fact that every statement that I made the other day has not been disputed by him or by anybody representing any of the newspapers of the city of Chicago.

Mr. TILLMAN. Mr. President—

Mr. HOPKINS. One moment, if the Senator will allow me. I want to show another thing while I am upon the floor. The Senator the other day asked me as to whether an indictment had been found against Mr. Walsh—this was the question: "Has Mr. Walsh been indicted by the grand jury for anything or not?" I stated that he had not. Now, the Senator this morning undertakes to say that I was not entirely frank in that, and to take me to task upon a question of that kind. Let us see what kind of fairness emanates from the Senator from South Carolina; let us see how he wants the Record to appear. I have here the stenographic notes, taken by the Reporter here, which were presented to the Senator. The question that was put to me was this: "Has Mr. Walsh been indicted by the grand jury for anything or not?" My answer was, "No, sir." When the Senator came to revise his remarks, he changed that question, and made it entirely different, so as to put me in exactly the position that he now seeks to put me in his argument this morning. He changed the word "for" to "or," and he eliminated the words "or not" and put in "like that;" so that the question as it appeared in the Record reads:

Has Mr. Walsh been indicted by the grand jury, or anything like that? Evidently, Mr. President, preparing by the Record at some future time to show that I had not been entirely frank. Is that the kind of fairness that emanates from the Senator from South Carolina? Does he think that was dealing squarely and fairly with me, after the debate was over and the notes had been prepared containing that statement, to change the character of the question, without calling my attention to the answer, and putting me in the position of denying that an indictment had been found "or anything like that?"

Mr. TILLMAN. Now, will the Senator send the notes here and let me see how many interpolations he made?

Mr. HOPKINS. Yes, sir. I will send them to you, and you will find that every interpolation that I made was something that did not touch a question that the Senator had asked, and was simply to develop the thought that I had expressed in the debate here. He can read every one of them, if he wants to, and he will not find one that changes a sentiment or that puts him in a false attitude, as he undertook to put me.

Mr. TILLMAN. I submit to Senators whether or not the change I made made any substantial difference in the sense or in the character of the inquiry.

Mr. HOPKINS. Why did you make it, then?

Mr. TILLMAN. Because I wanted to make my thought clear, just as you tried to make your thoughts clear.

Mr. HOPKINS. No, sir; you tried to put me in a position so that my answer would seem to be an evasion. That is what you tried to do.

Mr. TILLMAN. I did nothing of the kind.

Mr. HOPKINS. That is the effect of it, Mr. President.

Mr. TILLMAN. The Senator is shying from spooks. There are enough actual rascalities here not to touch on any of these side issues.

Mr. HOPKINS. There are enough actual rascalities, aye, enough, Mr. President; there are enough crimes in South Carolina to take the entire time of the Senator—

Mr. TILLMAN. Whenever the Senator wants to discuss the race question, I am ready to meet him in Chicago or anywhere else; and it is not seemly, in my judgment, for him to try to drag in here a condition that has nothing whatever to do with this matter.

Mr. HOPKINS. I do not think it is seemly for the Senator to make an assault here on the banks of the city of Chicago, that every business man from the Atlantic to the Pacific will praise for their splendid conduct in financing the situation in that crisis.

Mr. TILLMAN. Those banks have broken the law, I think.

Mr. HOPKINS. The Senator admits upon this floor that he has broken the law.

Mr. TILLMAN. I have not done anything of the kind.

Mr. HOPKINS. You admit that you have kept the colored men in South Carolina from exercising the political rights that are guaranteed to them under the Constitution of our common country.

Mr. TILLMAN. Just as your party have refused to give to the Filipinos and these other colored people that you have annexed a recognition here under the Constitution. Hypocrisy is too much abroad in the land on that side in regard to the colored people for you to dare to get up here and speak that way about the South.

Mr. HOPKINS. But, Mr. President, the hypocrisy is in attempting to nullify the amendments of the Constitution of the United States and denying to a majority of the people of his State their political rights, and then to glory in burning them at the stake.

Mr. TILLMAN. I have never gloried in it. I have simply said—and I acknowledge that I said it—that whenever a white woman is ravished we sometimes burn the brutes who perpetrate such crimes; and if the white men of the North are too pusillanimous to protect their wives and daughters from such doings, God have mercy on them.

Mr. HOPKINS. I am speaking of the vote, Mr. President.

Mr. TILLMAN. Ah, yes.

Mr. HOPKINS. When he speaks of the people of the North, I want to say that the people of the North are law-abiding people, and if a crime is committed the criminal is punished and sent to the penitentiary or executed, as he ought to be in South Carolina.

Mr. TILLMAN. What about the Springfield, Ohio, occurrence the other week?

Mr. HOPKINS. The Senator from Ohio can speak for that.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. Yes.

Mr. FORAKER. There was something that occurred in Springfield, Ohio, that we all very much regret, but the machinery of the law was immediately put into operation to arrest every man who violated the law in connection with it, and the majesty of the law was vindicated. But what occurred at Springfield, Ohio, had its counterpart, I notice, at Springfield, Mo., the other day, and I rejoice in the fact that at the head of the government of the State of Missouri is a man in the person of Governor Folk, who did not hesitate to put into operation, in a most unqualified way, the machinery of the law to punish the perpetrators of those great crimes that were there committed. I wish the Senator could say so much as to violations of a similar character in his own State.

Mr. TILLMAN. If the conditions in Ohio were the same as they are with us with an absolute majority of 235,000 more negroes than there are white people in the State, if your civilization were in jeopardy and in danger of being obliterated, as the effort was made in the reconstruction days to obliterate ours, your people in Ohio would do just as bad or worse than we ever thought of doing.

Mr. FORAKER. I ought to add one other thing, that no Senator from the State of Missouri, or from any other State in this Union in which such crimes have been committed, has stood up here to justify or to defend any such crimes, except only the Senator from South Carolina.

Mr. TILLMAN. The Senator from South Carolina—

Mr. FORAKER. I want to say it to the country—for it will go to the country, because I think it is due to the Senators who represent the States of the South—that they have all alike, save only the Senator from South Carolina, stood here to denounce in the most unqualified terms such crimes as those.

I would not refer to this if the Senator did not compel me to do so by referring to my State and by referring to a circumstance that we greatly regret and as to which we have done all we could do to prevent and punish those responsible for it.

Mr. TILLMAN. Mr. President, I do not intend to let the Senator from Illinois get off that lightly. He can not run off behind Springfield, Ohio, to dodge the issue.

Mr. HOPKINS. The Senator from Illinois is not running from the Senator from South Carolina.

Mr. TILLMAN. I want to get back to the national bank business. I want to ask the Senator whether or not it is lawful for the associated banks to own these \$27,000,000 worth of railroads?

Mr. HOPKINS. The question, Mr. President, I want to know is whether the Senator thinks it is lawful, as he says, "to shoot them?"

Mr. TILLMAN. Oh, pshaw!

Mr. HOPKINS. And hang them and burn them in South Carolina until they are afraid to go to the polls to vote.

Mr. ALDRICH. I rise to a question of order, Mr. President.

The VICE-PRESIDENT. The Senator will state his question of order.

Mr. ALDRICH. I suggest that there is no question pending before the Senate. The Senator from Wisconsin [Mr. LA FOLLETTE] has given notice of a speech which he is ready to deliver.

The VICE-PRESIDENT. The unfinished business is before the Senate. It was laid before the Senate at the request of the Senator from South Carolina [Mr. TILLMAN].

Mr. TILLMAN. And the Senator from South Carolina took the floor in his own right, not with anybody's consent, and the Senator from South Carolina will sit down when he gets ready, unless the Chair or the Senate orders him to.

Mr. ALDRICH. It seems to me that this discussion is not only technically not in order, but that it is entirely out of order, and that the Senator from Wisconsin ought to be permitted to proceed.

Mr. TILLMAN. I want to give the Senator from Wisconsin an opportunity to go on just as soon as I can, and I am willing to let the matter rest right now. I simply asked the Senator from Illinois whether it was lawful for these associated banks to own this twenty-seven million and a half dollars' worth of railroads and be hawking them about the markets trying to sell them in order to get back something which they had guaranteed to Walsh's creditors.

Mr. HOPKINS. If the Senator from South Carolina were familiar with business affairs as they are conducted all over the country, if he knew anything about the banking business, and he knew anything about the office of the clearing house, he never would ask that question. There is not a Senator upon this floor that knows anything about the office of a clearing house but that will say that that was an entirely legitimate act upon the part of the Chicago banks and that no law regarding the national banks has been violated. That is my answer to the Senator upon that.

Mr. TILLMAN. Why did you not make that answer first, instead of talking about the law in regard to negroes in South Carolina?

Mr. President, all I wanted to do was to have the Senator from Rhode Island [Mr. ALDRICH] and his committee, if it will, institute an examination to ascertain whether or not the national banking law has been violated; whether the transaction in regard to the clearing house assuming Walsh's debts and acting as receiver for his estate had in any way violated the law. That was all. But the Senator from Illinois got very angry and read me lecture yesterday and repeats it to-day; and when he can not meet the issue of the statements made in the Chicago newspapers he rushes off into a tirade against the suppression of the negro vote in the South and brings up some utterances of mine, in which I declared—and I repeat them here—that whenever a white woman is ravished in the country where there are nearly two negroes to one white woman, if we did not destroy the brute as soon as we got a chance our wives and daughters could not live there.

Mr. HOPKINS. Mr. President, it will not do for the Senator to get off on the sentiment of wife and daughter. He made the statement that I read to him, that they shot and burned negroes in the South to keep them from voting.

Mr. TILLMAN. The Senator is entirely off. I deny it absolutely. We never burned any negro for that purpose.

Mr. HOPKINS. You so state in the article that I read here.

Mr. TILLMAN. I did not use those words. I have never been chary about repeating what I have said right on this floor.

Mr. HOPKINS. Have you ever attempted to have white men punished for killing colored men who sought to exercise the political rights that you enjoy in South Carolina?

Mr. TILLMAN. Whenever a man has been shot down in South Carolina at the polls there has been some form of trial, the same as in Illinois.

Mr. HOPKINS. Yes; just the form, and that is all there was to it.

Mr. HALE. Mr. President, I rise to a question of order.

The VICE-PRESIDENT. The Senator from Maine will please state it.

Mr. HALE. I hope the Chair will maintain order here, as prescribed by the rules. The Senate, I think, is very tired of this, not debate, but wrangling back and forth between two Senators. I ask the Chair to enforce the rule.

The VICE-PRESIDENT. The Senator's point of order is well taken. The Chair will see that hereafter Senators address the Chair and obtain the consent of the Chair before proceeding to address the Senate.

Mr. GALLINGER. Mr. President, in this connection I will ask that paragraph 1 of Rule XIX be read to the Senate.

The VICE-PRESIDENT. The Secretary will read paragraph 1 of Rule XIX.

Mr. GALLINGER. Then I trust it will be enforced.

The Secretary read as follows:

#### RULE XIX.

1. When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

Mr. LA FOLLETTE. Mr. President, it seems to me to be a pretty good time, after the reading of that rule, for me to address the Senate.

The VICE-PRESIDENT. The junior Senator from Wisconsin will proceed.

Mr. LA FOLLETTE addressed the Senate. After having spoken for two hours and a half,

Mr. TILLMAN. The Senator from Wisconsin has been speaking for a considerable time, and no doubt he is fatigued. Therefore I think it would be more pleasant to him to defer the completion of his speech until to-morrow. If that is agreeable, I should like to have the unfinished business laid aside for the remainder of the day without losing its place.

Mr. LA FOLLETTE. I am only partly through, Mr. President, and I should like to have the opportunity to go on to-morrow.

The VICE-PRESIDENT. The notice of the Senator from Wisconsin will be entered, and, in the absence of objection, the unfinished business will be temporarily laid aside.

[Mr. LA FOLLETTE's speech will be published entire after it shall have been concluded.]

#### RELIEF OF SUFFERERS IN CALIFORNIA.

During the delivery of Mr. LA FOLLETTE's speech.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House had passed the joint resolution (S. R. 48) authorizing the Secretary of War to issue rations and quartermaster's supplies for the relief of destitute persons in the region devastated by earthquake and fire in the State of California, and making an appropriation to relieve the sufferers by said disaster, with amendments in which it requested the concurrence of the Senate.

Mr. PERKINS. I ask the Chair to lay before the Senate the amendments of the House of Representatives to Senate joint resolution No. 48.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. 48) authorizing the Secretary of War to use rations and quartermaster's supplies for the relief of destitute persons in the region devastated by earthquake and fire in the State of California, and making an appropriation to relieve the sufferers by said disaster; which were, to strike out all after the resolving clause and insert:

That the Secretary of War is hereby authorized and directed to procure, in open market or otherwise, subsistence and quartermaster's supplies in addition to such supplies belonging to the military establishment, and available, and issue the same to such destitute persons



as have been rendered homeless or are in needy circumstances as a result of the earthquake which occurred April 18 and the attending conflagration, and in executing this joint resolution the Secretary of War is directed to cooperate with the authorities of the State of California and the mayors of the cities of San Francisco, Berkeley, Oakland, Alameda, and such other cities on the Pacific coast as may have sustained damages.

*Be it further resolved*, That the Secretary of the Treasury, Secretary of the Navy, and Secretary of Commerce and Labor are hereby directed to cooperate with the Secretary of War in extending relief and assistance to stricken people herein referred to, to the extent of the use of the naval vessels, revenue cutters, and other vessels, and Government supplies under their control on the Pacific coast.

*Be it further resolved*, That to enable the Secretary of War to execute the provisions of this joint resolution there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000,000, to be expended under the direction and in the discretion of the Secretary of War.

Strike out the preamble.

Amend the title so as to read: "A joint resolution for the relief of sufferers from earthquake and conflagration on the Pacific coast."

Mr. PERKINS. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

After Mr. LA FOLLETTE had yielded the floor,

#### RIGHT OF APPEAL IN CRIMINAL CASES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on the Judiciary, and ordered to be printed:

*To the Senate and House of Representatives:*

I submit herewith a letter of the Attorney-General, inclosing a statement of the proceedings by the United States against the individuals and corporations commonly known as the "beef packers," and commenting upon the decision of District Judge Humphrey. The result has been a miscarriage of justice. It clearly appears from the letter of the Attorney-General that no criticism whatever attaches to Commissioner Garfield. What he did was in strict accordance with the law and in pursuance of a duty imposed on him by Congress, which could not be avoided; and, of course, Congress in passing the Martin resolution could not possibly have foreseen the decision of Judge Humphrey.

But this interpretation by Judge Humphrey of the will of the Congress, as expressed in legislation, is such as to make that will absolutely abortive. Unfortunately there is grave doubt whether the Government has the right of appeal from this decision of the district judge. The case well illustrates the desirability of conferring upon the Government the same right of appeal in criminal cases, on questions of law, which the defendant now has, in all cases where the defendant had not been put in jeopardy by a trial upon the merits of the charge made against him. The laws of many of the States, and the law of the District of Columbia, recently enacted by the Congress, give the Government the right of appeal. A general law of the character indicated should certainly be enacted.

Furthermore, it is very desirable to enact a law declaring the true construction of the existing legislation, so far as it affects immunity. I can hardly believe that the ruling of Judge Humphrey will be followed by other judges; but if it should be followed, the result would be either completely to nullify very much, and possibly the major part, of the good to be obtained from the interstate-commerce law and from the law creating the Bureau of Corporations in the Department of Commerce and Labor; or else frequently to obstruct an appeal to the criminal laws by the Department of Justice. There seems to be no good reason why the Department of Justice, the Department of Commerce and Labor, and the Interstate Commerce Commission each should not, for the common good, proceed within its own powers without undue interference with the functions of the other. It is, of course, necessary, under the Constitution and the laws, that persons who give testimony or produce evidence as witnesses should receive immunity from prosecution. It has hitherto been supposed that the immunity conferred by existing laws was only upon persons who, being subpoenaed, had given testimony or produced evidence as witnesses relating to any offense with which they were, or might be, charged. But Judge Humphrey's decision is, in effect, that, if either the Commissioner of Corporations does his duty, or the Interstate Commerce Commission does its, by making the investigations which they by law are required to make, though they issue no subpoena and receive no testimony or evidence, within the proper meaning of those words, the very fact of the investigation may of itself operate to prevent the prosecution of any offender for any offense which has been developed in even the most indirect manner during the course of the investigation, or even for any offense which may have been detected by investigations conducted by the Department of Justice entirely independently of the labors of the Interstate Commerce Commission or of the Commissioner of Corporations—the only condition of immunity being that the offender should have given, or directed to be given, information which related to the subject out of which the offense has grown.

In offenses of this kind it is at the best hard enough to execute justice upon offenders. Our system of criminal jurisprudence has descended to us from a period when the danger was lest the accused should not have his rights adequately preserved, and it is admirably framed to meet this danger. But at present the danger is just the reverse—that is, the danger nowadays is not that the innocent man will be convicted of crime, but that the guilty man will go scot-free. This is especially the case where the crime is one of greed and cunning perpetrated by a man of great wealth in the course of those business operations where the code of conduct is at variance not merely with the code of humanity and morality, but with the code as established in the law of the land. It is much easier, but much less effective, to proceed against a corporation than to proceed against the individuals in that corporation who are themselves responsible for the wrongdoing. Very naturally outside persons, who have no knowledge of the facts and no responsibility for the success of the proceedings, are apt to clamor for action against the individuals. The Department of Justice has, most wisely, invariably refused thus to proceed against individuals, unless it was convinced both that they were in fact guilty and that there was at least a reasonable chance of establishing this fact of

their guilt. These beef-packing cases offered one of the very few instances where there was not only the moral certainty that the accused men were guilty, but what seemed, and now seems, sufficient legal evidence of the fact.

But in obedience to the explicit order of the Congress the Commissioner of Corporations had investigated the beef-packing business. The counsel for the beef packers explicitly admitted that there was no claim that any promise of immunity had been given by Mr. Garfield, as shown by the following colloquy during the argument of the Attorney-General:

"Mr. MOODY. \* \* \* I dismiss almost with a word the claim that Mr. Garfield promised immunity. Whether there is any evidence of such a promise or not I do not know and I do not care.

"Mr. MILLER (the counsel for the beef packers). There is no claim of it.

"Mr. MOODY. Then I was mistaken, and I will not even say that word."

But Judge Humphrey holds that if the Commissioner of Corporations (and therefore if the Interstate Commerce Commission) in the course of any investigations prescribed by Congress asks any questions of a person not called as a witness, or asks any questions of an officer of a corporation not called as a witness, with regard to the action of the corporation on a subject out of which prosecutions may subsequently arise, then the fact of such questions having been asked operates as a bar to the prosecution of that person or of that officer of the corporation for his own misdeeds. Such interpretation of the law comes measurably near making the law a farce; and I therefore recommend that the Congress pass a declaratory act stating its real intention.

THEODORE ROOSEVELT.

THE WHITE HOUSE, April 18, 1906.

#### FIVE CIVILIZED TRIBES.

Mr. CLAPP. I understand the objection to it is withdrawn, and so I should like to call up House concurrent resolution No. 29, which passed the House last Monday. I ask unanimous consent for its present consideration.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

IN THE HOUSE OF REPRESENTATIVES,  
April 16, 1906.

*Resolved by the House of Representatives (the Senate concurring).* That in the enrollment of the bill H. R. 5976, "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," the Clerk be directed to restore to the bill the part proposed to be stricken out in the amendment of the Senate No. 26 and to insert the following: On page 9, line 3, after the word "retaining," the words "tribal educational officers, subject to dismissal by the Secretary of the Interior," and restore to the bill the part proposed to be stricken out in the amendment of the Senate No. 27, and to insert in said amendment the following: On page 11, line 8, after the word "five," the words "and all such taxes levied and collected after the 31st day of December, 1905, shall be refunded."

After the word "shall," on page 11, line 16, insert "willfully and fraudulently."

After the word "punished," on page 11, line 21, insert "by a fine of not exceeding \$5,000 or by imprisonment not exceeding five years, or by both such fine and imprisonment."

In lieu of the matter proposed to be stricken out in the amendment of the Senate No. 41 insert in lieu thereof the following: "The Secretary of the Interior shall take possession of all buildings now or heretofore used for governmental, school, and other tribal purposes, together with the furniture therein and the land appertaining thereto, and appraise and sell the same at such time and under such rules and regulations as he may prescribe, and deposit the proceeds, less expenses incident to the appraisal and sale, in the Treasury of the United States to the credit of the respective tribes: *Provided*,"

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

#### ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (S. R. 48) for the relief of the sufferers from earthquake and conflagration on the Pacific coast; and it was thereupon signed by the Vice-President.

#### EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until tomorrow, Friday, April 20, 1906, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate April 19, 1906.*

#### COLLECTOR OF CUSTOMS.

Frederick C. Harper, of Washington, to be collector of customs for the district of Puget Sound, in the State of Washington, to succeed Clarence W. Ide, whose term of office will expire by limitation June 12, 1906.

## RECEIVER OF PUBLIC MONEYS.

Harry F. Nichols, of Ellensburg, Wash., to be receiver of public moneys at North Yakima, Wash., vice Miles Cannon, whose term will expire May 8, 1906.

## ASSOCIATE JUSTICE.

Frank E. Gillette, of Oklahoma, to be associate justice of the supreme court of the Territory of Oklahoma. A reappointment, his term expiring May 12, 1906.

## PROMOTIONS IN THE ARMY.

*Corps of Engineers.*

Capt. E. Eveleth Winslow, Corps of Engineers, to be major from April 2, 1906, vice Roessler, promoted.

First Lieut. Edward M. Adams, Corps of Engineers, to be captain from April 2, 1906, vice Winslow, promoted.

Second Lieut. John J. Kingman, Corps of Engineers, to be first lieutenant from April 2, 1906, vice Adams, promoted.

## ASSISTANT SURGEON IN THE NAVY.

James P. Haynes, a citizen of Kentucky, to be an assistant surgeon in the Navy from the 16th day of April, 1906, to fill a vacancy existing in that grade on that date.

## PROMOTION IN THE NAVY.

Boatswain Dennis J. O'Connell, to be a chief boatswain in the Navy from the 30th day of January, 1906, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

## POSTMASTERS.

## ARIZONA.

John L. Keister to be postmaster at Morenci, in the county of Graham and Territory of Arizona, in place of Harry S. Van Gorder, removed.

## ARKANSAS.

Benjamin J. Rosewater to be postmaster at Eureka Springs, in the county of Carroll and State of Arkansas, in place of Benjamin J. Rosewater. Incumbent's commission expires June 4, 1906.

## CALIFORNIA.

George B. Hayden to be postmaster at Upland, in the county of San Bernardino and State of California, in place of George B. Hayden. Incumbent's commission expired March 21, 1906.

M. R. Stansbury to be postmaster at Pacific Grove, in the county of Monterey and State of California, in place of Charles G. Chamberlain. Incumbent's commission expires May 13, 1906.

John N. Turrentine to be postmaster at Escondido, in the county of San Diego and State of California, in place of John N. Turrentine. Incumbent's commission expired March 18, 1906.

## COLORADO.

Robert Wilkinson to be postmaster at Central City, in the county of Gilpin and State of Colorado, in place of James A. Gilmour. Incumbent's commission expired January 20, 1906.

## GEORGIA.

Frederich D. Dismuke, jr., to be postmaster at Thomasville, in the county of Thomas and State of Georgia, in place of Frederich D. Dismuke, jr. Incumbent's commission expired February 7, 1906.

## ILLINOIS.

John H. Creager to be postmaster at West Chicago, in the county of Dupage and State of Illinois, in place of John H. Creager. Incumbent's commission expired January 10, 1906.

Francis M. Love to be postmaster at Lewistown, in the county of Fulton and State of Illinois, in place of Francis M. Love. Incumbent's commission expired March 26, 1906.

William P. Richards to be postmaster at Jerseyville, in the county of Jersey and State of Illinois, in place of Joseph W. Becker. Incumbent's commission expired April 1, 1906.

## IOWA.

Charles C. Bender to be postmaster at Spencer, in the county of Clay and State of Iowa, in place of Charles C. Bender. Incumbent's commission expires June 24, 1906.

C. B. Dean to be postmaster at Wall Lake, in the county of Sac and State of Iowa, in place of John H. D. Gray, resigned.

R. A. Hasselquist to be postmaster at Chariton, in the county of Lucas and State of Iowa, in place of Laban F. Maple. Incumbent's commission expired March 15, 1906.

## MAINE.

William O. Fuller, jr., to be postmaster at Rockland, in the county of Knox and State of Maine, in place of William O. Fuller, jr. Incumbent's commission expires May 9, 1906.

William G. Hubbard to be postmaster at Wiscasset, in the county of Lincoln and State of Maine, in place of Isaac A. Macurda. Incumbent's commission expired March 24, 1906.

## MASSACHUSETTS.

Louis S. Cox to be postmaster at Lawrence, in the county of Essex and State of Massachusetts, in place of Byron Truell. Incumbent's commission expires June 30, 1906.

Louis C. Hyde to be postmaster at Springfield, in the county of Hampden and State of Massachusetts, in place of Louis C. Hyde. Incumbent's commission expires June 30, 1906.

## MICHIGAN.

Charles H. Boody to be postmaster at Hart, in the county of Oceana and State of Michigan, in place of Charles H. Boody. Incumbent's commission expired April 4, 1906.

Nannie Faucett to be postmaster at Laurium, in the county of Houghton and State of Michigan, in place of Robert C. Faucett, deceased.

Clinton L. Kester to be postmaster at Marcellus, in the county of Cass and State of Michigan, in place of Clinton L. Kester. Incumbent's commission expires June 6, 1906.

## MINNESOTA.

Claude Atkinson to be postmaster at Hibbing, in the county of St. Louis and State of Minnesota, in place of Stephen R. Kirby. Incumbent's commission expires May 19, 1906.

Jacob Gish to be postmaster at Le Sueur, in the county of Le Sueur and State of Minnesota, in place of Michael W. Grimes. Incumbent's commission expires April 30, 1906.

James M. King to be postmaster at White Bear Lake, in the county of Ramsey and State of Minnesota, in place of James M. King. Incumbent's commission expires June 30, 1906.

## MISSISSIPPI.

Jasper Warren Collins to be postmaster at Ellisville, in the county of Jones and State of Mississippi, in place of John H. Cook, resigned.

## MISSOURI.

William P. Giessing to be postmaster at Desloge, in the county of St. Francois and State of Missouri, in place of William P. Giessing. Incumbent's commission expires May 8, 1906.

## MONTANA.

James R. White to be postmaster at Kalispell, in the county of Flathead and State of Montana, in place of James R. White. Incumbent's commission expires April 26, 1906.

## NEBRASKA.

C. K. Cooper to be postmaster at Humboldt, in the county of Richardson and State of Nebraska, in place of Orange L. Bantz. Incumbent's commission expires June 12, 1906.

## NEW JERSEY.

Alexander C. Yard to be postmaster at Trenton, in the county of Mercer and State of New Jersey, in place of Alexander C. Yard. Incumbent's commission expires April 22, 1906.

## NEW YORK.

Edwin P. Bouton to be postmaster at Trumansburg, in the county of Tompkins and State of New York, in place of Edwin P. Bouton. Incumbent's commission expires May 14, 1906.

John W. Bowron to be postmaster at Rouses Point, in the county of Clinton and State of New York, in place of Michael Halligan, deceased.

Frank B. Dodge to be postmaster at Mount Morris, in the county of Livingston and State of New York, in place of Frank B. Dodge. Incumbent's commission expires April 22, 1906.

## NORTH DAKOTA.

Ellery C. Arnold to be postmaster at Larimore, in the county of Grand Forks and State of North Dakota, in place of Ellery C. Arnold. Incumbent's commission expires May 19, 1906.

## OHIO.

George H. Clark to be postmaster at Canton, in the county of Stark and State of Ohio, in place of George B. Frease. Incumbent's commission expired February 13, 1906.

Edward L. Davis to be postmaster at Garrettsville, in the county of Portage and State of Ohio, in place of Cassius M. Crane. Incumbent's commission expired April 5, 1906.

## OKLAHOMA.

Thomas F. Addington to be postmaster at Yukon, in the county of Canadian and Territory of Oklahoma, in place of Thomas F. Addington. Incumbent's commission expires June 10, 1906.

## PENNSYLVANIA.

Allen P. Dickey to be postmaster at Waynesburg, in the county of Greene and State of Pennsylvania, in place of Allen P. Dickey. Incumbent's commission expires June 28, 1906.

David Russell to be postmaster at Renovo, in the county of Clinton and State of Pennsylvania, in place of Alexander Y. Jones, deceased.



## TEXAS.

Thomas Breen to be postmaster at Mineola, in the county of Wood and State of Texas, in place of Thomas Breen. Incumbent's commission expires June 27, 1906.

Morriss Mills to be postmaster at Somerville, in the county of Burleson and State of Texas. Office became Presidential April 1, 1906.

Abram M. Morrison to be postmaster at Ennis, in the county of Ellis and State of Texas, in place of Abram M. Morrison. Incumbent's commission expires June 27, 1906.

George E. Sapp to be postmaster at Pecos, in the county of Reeves and State of Texas, in place of George E. Sapp. Incumbent's commission expires June 11, 1906.

Thomas D. Ward to be postmaster at Corpus Christi, in the county of Nueces and State of Texas, in place of Thomas D. Ward. Incumbent's commission expires June 27, 1906.

## VIRGINIA.

Charles A. Lacy to be postmaster at Houston, in the county of Halifax and State of Virginia. Office became Presidential April 1, 1906.

## WEST VIRGINIA.

Harrison A. Darnall to be postmaster at Buckhannon, in the county of Upshur and State of West Virginia, in place of Harrison A. Darnell. Incumbent's commission expired March 24, 1906.

## WITHDRAWAL.

*Executive nomination withdrawn from the Senate April 19, 1906.*

W. A. Nichols to be receiver of public moneys at North Yakima, Wash.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate April 19, 1906.*

## COLLECTOR OF CUSTOMS.

Clarence G. Smithers, of Virginia, to be collector of customs for the district of Cherrystone, in the State of Virginia.

## SURVEYOR OF CUSTOMS.

Perry M. Lytle, of Pennsylvania, to be surveyor of customs in the district of Philadelphia, in the State of Pennsylvania.

## MARSHAL.

William H. Darrough, of Indian Territory, to be United States marshal for the northern district of Indian Territory.

## APPOINTMENT IN THE ARMY.

Maj. Gen. Henry C. Corbin, adjutant-general, to be lieutenant-general from April 15, 1906.

## PROMOTION IN THE ARMY.

Second Lieut. William G. Meade, Eleventh Cavalry, to be first lieutenant from March 31, 1906.

## APPOINTMENTS IN THE NAVY.

To be civil engineers in the Navy, with the rank of lieutenant, from the 17th day of March, 1906:

James W. G. Walker.  
Andrew C. Cunningham.  
Harry H. Rousseau.  
Fred Thompson.  
Alfred C. Lewerenz.  
Lyle F. Bellinger.  
Reuben E. Bakenhus.  
George A. McKay.  
Ernest H. Brownell.  
Ernest R. Gayler.  
Paul L. Reed.  
Frederick R. Harris.  
Archibald L. Parsons.

## PROMOTIONS IN THE MARINE CORPS.

Maj. Laurence H. Moses to be a major in the Marine Corps from the 6th day of March, 1904.

Maj. Wendell C. Neville to be a major in the Marine Corps from the 4th day of June, 1904.

Second Lieut. Davis B. Wills to be a first lieutenant in the Marine Corps from the 29th day of July, 1904.

Second Lieut. Edward S. Yates to be a first lieutenant in the Marine Corps from the 1st day of December, 1904.

Second Lieut. Harry O. Smith to be a first lieutenant in the Marine Corps from the 2d day of December, 1904.

Capt. Thomas C. Treadwell to be a major in the Marine Corps from the 9th day of December, 1904.

Second Lieut. Albert Hamilton to be a first lieutenant in the Marine Corps from the 9th day of December, 1904.

Capt. Dion Williams to be a major in the Marine Corps from the 28th day of February, 1905.

First Lieut. Harry R. Lay to be a captain in the Marine Corps from the 28th day of February, 1905.

Second Lieut. William P. Upshur to be a first lieutenant in the Marine Corps from the 28th day of February, 1905.

Second Lieut. Lovick P. Pinkston to be a first lieutenant in the Marine Corps from the 1st day of March, 1905.

Capt. Edward R. Lowndes to be a major in the Marine Corps from the 11th day of March, 1905.

First Lieut. Charles B. Taylor to be a captain in the Marine Corps from the 11th day of March, 1905.

Second Lieut. Arthur P. Crist to be a first lieutenant in the Marine Corps from the 11th day of March, 1905.

Capt. John T. Myers to be a major in the Marine Corps from the 1st day of April, 1905.

First Lieut. John W. Wadleigh to be a captain in the Marine Corps from the 1st day of April, 1905.

Second Lieut. Edward W. Banker to be a first lieutenant in the Marine Corps from the 1st day of April, 1905.

First Lieut. William R. Coyle to be a captain in the Marine Corps from the 1st day of August, 1905.

Second Lieut. William E. Parker to be a first lieutenant in the Marine Corps from the 1st day of August, 1905.

First Lieut. William C. Harllee to be a captain in the Marine Corps from the 30th day of August, 1905.

Second Lieut. William M. Small to be a first lieutenant in the Marine Corps from the 30th day of August, 1905.

Capt. Albertus W. Catlin to be a major in the Marine Corps.

First Lieut. Richard S. Hooker to be a captain in the Marine Corps from the 1st day of February, 1906.

Second Lieut. Maurice V. Campbell to be a first lieutenant in the Marine Corps from the 1st day of February, 1906.

Second Lieut. Epaminondas L. Bigler to be a first lieutenant in the Marine Corps from the 14th day of March, 1906.

## POSTMASTERS.

## CONNECTICUT.

Mary E. Bell to be postmaster at Portland, in the county of Middlesex and State of Connecticut.

## ILLINOIS.

George W. Baber to be postmaster at Paris, in the county of Edgar and State of Illinois.

Chester B. Claybaugh to be postmaster at Toulon, in the county of Stark and State of Illinois.

George J. Price to be postmaster at Flora, in the county of Clay and State of Illinois.

Alonzo C. Sluss to be postmaster at Tuscola, in the county of Douglas and State of Illinois.

## KANSAS.

George T. Boon to be postmaster at Chetopa, in the county of Labette and State of Kansas.

Ewing Herbert to be postmaster at Hiawatha, in the county of Brown and State of Kansas.

John A. Hartley to be postmaster at Cheney, in the county of Sedgewick and State of Kansas.

William A. Moriston to be postmaster at Bonner Springs, in the county of Wyandotte and State of Kansas.

## KENTUCKY.

Asa Bodkin to be postmaster at Bardwell, in the county of Carlisle and State of Kentucky.

Berry T. Conway to be postmaster at Lebanon, in the county of Marion and State of Kentucky.

A. Downs to be postmaster at Murray, in the county of Calloway and State of Kentucky.

Frank M. Fisher to be postmaster at Paducah, in the county of McCracken and State of Kentucky.

William H. Harrison to be postmaster at Flemingsburg, in the county of Fleming and State of Kentucky.

Daniel D. Hurst to be postmaster at Jackson, in the county of Breathitt and State of Kentucky.

William T. West to be postmaster at Lancaster, in the county of Garrard and State of Kentucky.

## MAINE.

Newton H. Fogg to be postmaster at Sanford, in the county of York and State of Maine.

Reuel W. Norton to be postmaster at Kennebunk Port, in the county of York and State of Maine.

Willis W. Wait to be postmaster at Dixfield, in the county of Oxford and State of Maine.

## MARYLAND.

George M. Evans to be postmaster at Elkton, in the county of Cecil and State of Maryland.

## MASSACHUSETTS.

Thomas A. Hills to be postmaster at Leominster, in the county of Worcester and State of Massachusetts.

## MICHIGAN.

James Buckley to be postmaster at Petoskey, in the county of Emmet and State of Michigan.

## MINNESOTA.

Peter J. Schwartz, to be postmaster at Shakopee, in the county of Scott and State of Minnesota.

## MISSOURI.

John C. Rickey to be postmaster at Clarence, in the county of Shelby and State of Missouri.

## MONTANA.

Thomas W. McKenzie to be postmaster at Havre, in the county of Chouteau and State of Montana.

## NEBRASKA.

Howard C. Miller to be postmaster at Grand Island, in the county of Hall and State of Nebraska.

## NEW HAMPSHIRE.

Simeon M. Estes to be postmaster at Meredith, in the county of Belknap and State of New Hampshire.

Eugene Lane to be postmaster at Suncook, in the county of Merrimack and State of New Hampshire.

## NEW JERSEY.

George C. Reed to be postmaster at Park Ridge, in the county of Bergen and State of New Jersey.

## PENNSYLVANIA.

Benjamin F. Magnin to be postmaster at Darby, in the county of Delaware and State of Pennsylvania.

## VERMONT.

Frederick G. Ellison to be postmaster at Springfield, in the County of Windsor and State of Vermont.

## VIRGINIA.

W. Griffin to be postmaster at Salem, in the county of Roanoke and State of Virginia.

## WEST VIRGINIA.

Lester G. Toney to be postmaster at Northfork, in the county of McDowell and State of West Virginia.

## WISCONSIN.

Warner S. Carr to be postmaster at Lake Nebagamon, in the county of Douglas and State of Wisconsin.

Arthur E. Dudley to be postmaster at Neillsville, in the county of Clark and State of Wisconsin.

A. C. Vanderwater Elston to be postmaster at Muscoda, in the county of Grant and State of Wisconsin.

## WYOMING.

Otis Rife to be postmaster at Kemmerer, in the county of Uinta and State of Wyoming.

## HOUSE OF REPRESENTATIVES.

THURSDAY, April 19, 1906.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D., as follows:

Our Father in heaven, Thou grace divine, encircling all, help us with unshaken faith in Thine eternal love to interpret whatever comes to us in life as but a means to the proper end in the working out of Thy purposes. We thank Thee for that deep and tender sympathy which goes out to those who suffer affliction and sorrow, whether it be the community or the individual, and which binds us closer together as a people and as families in the ties of affection. Be with all, O God, who suffer everywhere and comfort them as Thou alone can, and help us to help each other, and so be with us all now in this great calamity and always in the name of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

## SWEARING IN OF A MEMBER.

Mr. M. R. PATTERSON of Tennessee, appeared at the bar of the House, and qualified by taking the oath of office.

## CHANGE OF REFERENCE.

By unanimous consent, the Committee on the Territories was discharged from the further consideration of the bill (S. 2948) to amend section 1 of the act approved March 3, 1903, providing for an additional associate justice of the supreme court of Arizona, and for other purposes, and the same was referred to the Committee on the Judiciary.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. KAHN, indefinitely, on account of the disaster at San Francisco.

## MOVEMENTS OF VESSELS IN ST. MARYS RIVER.

Mr. STEVENS of Minnesota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4925) to amend the act approved March 6, 1896, relating to the anchorage and movements of vessels in St. Marys River, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.,* That section 1 of the act approved March 6, 1896, entitled "An act relating to the anchorage and movements of vessels in St. Marys River" be, and hereby is, amended to read as follows:

"That the Secretary of Commerce and Labor be, and he hereby is, authorized and directed to adopt and prescribe suitable rules and regulations governing the movements and anchorage of vessels and rafts in St. Marys River from Point Iroquois, on Lake Superior, to Point Detour, on Lake Huron, and for the purpose of enforcing the observance of such regulations the Secretary of the Treasury is hereby authorized to detail one or more revenue cutters for duty under the direction of the Secretary of Commerce and Labor on said river."

SEC. 2. That section 3 of the act of March 6, 1896, aforesaid, be, and hereby is, amended to read as follows:

"SEC. 3. That in the event of the violation of any such regulations or rules of the Secretary of Commerce and Labor by the owners, master, or person in charge of such vessel, such owners, masters, or person in charge shall be liable to a penalty of \$200: *Provided*, That the Secretary of Commerce and Labor may remit said fine on such terms as he may prescribe: *Provided also*, That nothing in this act shall be construed to amend or repeal the act entitled 'An act to regulate navigation on the Great Lakes and their connecting and tributary waters as far east as Montreal,' approved February 8, 1895."

With the following amendments:

Page 2, line 3, strike out the words "under the direction" and insert in lieu thereof the words "upon the request."

Line 12 strike out the word "of" and insert the words "not exceeding."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. STEVENS of Minnesota, a motion to reconsider the last vote was laid on the table.

## AMENDMENT TO BANKRUPTCY ACT.

Mr. ESCH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4478) to amend section 64 of the bankruptcy act, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.,* That clause 4 of subdivision B of section 64 of said act is hereby amended so as to read as follows:

"Fourth. Wages due to workmen, clerks, traveling or city salesmen, or servants which have been earned within three months before the date of commencement of proceedings, not to exceed \$300 to each claimant."

The SPEAKER. Is there objection?

Mr. BARTLETT. Mr. Speaker, reserving the right to object, I desire to know something in regard to this bill. Does it make the wages due all employees, including traveling salesmen, preferred claims against the bankrupt's estate?

Mr. ESCH. It simply includes traveling and city salesmen among those people who are entitled to preference. This bill is unanimously reported by the Committee on the Judiciary, and was unanimously reported a year ago. It has the support of the entire Traveling Men's Association of the United States and of the Credit Men's Association.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield to me for a moment?

The SPEAKER. Does the gentleman yield?

Mr. ESCH. Yes.

Mr. BARTLETT. Mr. Speaker, it occurs to me that the bankruptcy act ought to be amended in many particulars, and I have not been able to catch from what the gentleman said or from the reading of the bill what the purport of it is. I think it ought to be amended in a great many particulars. The chief way that we ought to amend it is to wipe it off the statute books and repeal it altogether. If I had time I would draft a substitute amendment now to this bill, so as to repeal the bankruptcy law in toto. That is what I want to vote for. I do not think that I shall object to the consideration of this bill. I reserved the right to object to it in order to find out what it provides, and I would ask unanimous consent to have it read again, so that I can hear what are its provisions.

The SPEAKER. Without objection the Clerk will again report the bill.

There was no objection; and the Clerk again reported the bill.

Mr. BARTLETT. Now, Mr. Speaker, as I understand the